

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
E/S Gunpowder Road, 3750' S of * DEPUTY ZONING COMMISSIONER
Rockdale Road * OF BALTIMORE COUNTY
(19405 Gunpowder Road) * Case No. 93-218-A
6th Election District
3rd Councilmanic District
Steven P. Benson, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Steven P. and Deborah J. Benson. The Petitioners request relief from Section 1A03.4.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 23.5 feet in lieu of the required 50 feet for an attached garage, in accordance with Petitioner's Exhibit 1.

The Petitioners originally filed their request through the administrative variance procedure. However, at the request of an adjoining property owner, the matter was scheduled for a public hearing to determine the appropriateness of the relief requested.

Appearing at the hearing on behalf of the Petition were Steven and Deborah Benson, property owners. Appearing as Protestants in the matter were Richard and Elizabeth Crouse, the adjoining property owners who requested the public hearing.

Testimony indicated that the subject property, known as 19405 Gunpowder Road, consists of .854 acres, zoned R.C. 4 and is improved with a single family dwelling. The Petitioners are desirous of constructing a garage addition on the northeast side of the existing dwelling. Due to the layout of the dwelling and its location on the lot, the relief request-

ed is necessary in order to build the garage in the location shown on Petitioner's Exhibit 1. Evidence presented indicated that the garage is to be located on the side of the dwelling adjacent to the kitchen and at the end of the existing driveway. The Petitioners testified that the garage will have the same roofline and the same siding as the existing dwelling. Testimony indicated that the proposed garage will be an improvement to their property as well as attractive to the community.

The Protestants were mainly concerned about whether the garage would be attractive and conform to the existing dwelling. Mr. Crouse stated that he wanted the garage to be constructed in keeping with the design, materials, and color used on the existing dwelling.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

- 2 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of March, 1993 that the Petition for Administrative Variance requesting relief from Section 1A03.4.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 23.5 feet in lieu of the required 50 feet for an attached garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The subject garage shall be constructed out of building materials that match those used on the exist-

- 3 -

ing dwelling to insure that the proposed garage conforms with the existing dwelling.
3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Ketrock
TIMOTHY M. KETROCK
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 3/15/93
By 406

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Date 3/15/93
By 406

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 15, 1993

Mr. & Mrs. Steven Benson
19405 Gunpowder Road
Millers, Maryland 21107

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Gunpowder Road, 3750' S of Rockdale Road
(19405 Gunpowder Road)
6th Election District - 3rd Councilmanic District
Steven P. Benson, et ux - Petitioners
Case No. 93-218-A

Dear Mr. & Mrs. Benson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Ketrock
TIMOTHY M. KETROCK
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Richard Crouse
19425 Gunpowder Road, Millers, Md. 21107

People's Counsel

file



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 19405 GUNPOWDER ROAD
which is presently zoned R.C.4

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A03.4.B.4 of the Baltimore County Zoning Regulations to PERMIT A SIDE YARD SETBACK OF 23.5' IN LIEU OF THE REQUIRED 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
1. WE WOULD BE UNABLE TO CONSTRUCT A GARAGE ONTO OUR HOUSE UNDER THE EXISTING ZONING REGULATIONS.
2. WE WOULD BE UNABLE TO MAKE REASONABLE USE OF OUR PROPERTY.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

Name

Phone No.

Address

City State Zipcode

Name

Phone No.

Address

City State Zipcode

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City State Zipcode

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Phone No.

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City State Zipcode

Name

Phone No.

Address

City State Zipcode

Name

Phone No.

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

STEVEN P. BENSON

(Type or Print Name)

Signature

DEBORAH J. BENSON

(Type or Print Name)

Signature

19405 GUNPOWDER RD. A 374-5135

Address

City State Zipcode

Phone No.

Address

City State Zipcode

Name

Phone No.

Address

City State Zipcode

Name

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Phone No.

ORDER RECEIVED FOR FILING

Date 3/15/93
By 406

REVIEWED BY: LG DATE: 4/5/93
ESTIMATED POSTING DATE: 4/24/93

Zoning Commissioner or Baltimore County

ITEM # 226

Affidavit in support of 93-218-A Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 19405 GUNPOWDER RD.

MILLERS MD 21107
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

1. WE WOULD BE UNABLE TO CONSTRUCT A GARAGE ONTO OUR HOUSE UNDER THE EXISTING ZONING REGULATIONS.
2. WE WOULD BE UNABLE TO MAKE REASONABLE USE OF OUR PROPERTY.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Signature of Affiant(s)

Signature of Affiant(s)

Signature of Affiant(s)

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Signature of Affiant(s)

Signature of Affiant(s)

Description of Property
Zoning Description For 19405 Gunpowder Road

93-218-A

As recorded in Deed Liber # 6565, Folio # 0585 beginning at a point located on the east side of Gunpowder Road 3750' S.E. of Rockdale Road. Thence N.30° 07' 10" E. 230.98', N.88° 44' 40" W. 395.67', S.47° 44' 45" W. 32.00', S.57° 05' 20" E. 358.48' to the point of the beginning with area of .854 acres known as 19405 Gunpowder Road and located in the 6th Election District.

226

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 1/11/93
Posted for: Steven & Deborah Benson
Petitioner: Steven & Deborah Benson
Location of property: 19405 Gunpowder Rd. 3750' S of Rockdale Rd.
19405 Gunpowder Rd.
Location of Sign: 19405 Gunpowder Rd. 3750' S of Rockdale Rd.
Remarks: _____
Posted by: William J. Jablon Date of return: 1/29/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/18, 1993
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/18, 1993.

THE JEFFERSONIAN,

S. Zate Orlan
Publisher

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-218-A (Item 226)
E/S Gunpowder Road, 3750' S of Rockdale Road
19405 Gunpowder Road
6th Election District - 3rd Councilmanic
Petitioner(s): Steven and Deborah Benson
HEARING: TUESDAY, MARCH 9, 1993 at 3:00 p.m. in Rm. 118, Old Courthouse.

Variance to permit a side yard setback of 23.5 feet in lieu of the required 50 feet.

Arnold Jablon
Director

cc: Steven and Deborah Benson
Richard & Elizabeth Crouse

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

REQUEST FOR HEARING

TO THE ZONING COMMISSIONERS FOR BALTIMORE COUNTY:

Re: Case Number: 93-218-A
Petitioner(s): Benson, Steven P.
Location: 19405 Gunpowder Road

19405 Gunpowder Road
Petitioner(s): RICHARD & ELIZABETH CROUSE

19405 Gunpowder Road
Petitioner(s): MILLERS MD 21107 239 8567

19405 Gunpowder Road
Petitioner(s): MILLERS MD 21107 239 8567

which is located approximately 50' feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Letzged house 3/10/93
Signature: _____ Date: _____

Signature: _____ Date: _____

BALTIMORE COUNTY, MARYLAND
OFFICE OF ZONING ADMINISTRATION
RECEIVED: 131003

DATE: 2-18-93 ACCOUNT: 93-218-A
AMOUNT: \$40.00

RECEIVED FROM: Richard J. Crouse

FOR: Steven P. Benson

VALIDATION OF SIGNATURE BY CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

January 25, 1993

(410) 887-3353

Mr. and Mrs. Steven P. Benson
19405 Gunpowder Road
Millers, MD 21107

RE: Case No. 93-218-A, Item No. 226
Petitioner: Steven P. Benson, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Benson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management

Date

Account: R-001-6150

Number

93-218-A receipt

DATE: 1/29/93

DATE: 1/29/93

DATE: 1/29/93

DATE: 1/29/93

DATE: 1/29/93

DATE: 1/29/93

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Baltimore County Government
Office of Zoning Administration
and Development Management

Date

Account: R-001-6150

Number

receipt

93-218-A

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1/29/93

Your petition has been received and accepted for filing this

5th day of January 1993.

Arnold Jablon
DIRECTOR

Received By:

W. Carl Richard Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Steven P. Benson, et ux
Petitioner's Attorney:

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 1/29/93

Steven and Deborah Benson
19405 Gunpowder Road
Millers, Maryland 21107

RE: CASE NUMBER: 93-218-A (Item 226)
E/S Gunpowder Road, 3750' S of Rockdale Road
19405 Gunpowder Road
6th Election District - 3rd Councilmanic
Petitioner(s): Steven and Deborah Benson
HEARING: TUESDAY, MARCH 9, 1993 at 3:00 p.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 40.00 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon
DIRECTOR

ARNOLD JABLON
DIRECTOR

Printed on Recycled Paper

93-218-A 2-8-93

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 20, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee
(January 19, 1993)

The Office of Planning and Zoning has no comments on the following petition(s):

William and Jeanette Clark, Item No. 221
Zigmas and Ona Bucevicius, Item No. 224
Ronald and Norma Jewell, Item No. 225
Steven and Deborah Benson, Item No. 226
Louis Slabotinek, Item No. 232
Jack J. Basel, Item No. 234

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Francis Morsey

Division Chief: _____

PK/FM:rdn

221.ZAC/ZAC1



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-13-93

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: * 226 (LJG)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

JANUARY 13, 1993

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: STEVEN P. BENSON AND DEBORAH J. BENSON

Location: #19405 GUNPOWDER ROAD

Item No.: *226 (LJG) Zoning Agenda: JANUARY 19, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jerry D. [Signature]
Planning Group
Special Inspection Division

JP/KEK

1/19/93
Printed on Recycled Paper

93-318-A
Admin. Var.

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature [Signature] Date 2/1/93

01/27/93

Project Name Waiver Number Zoning Issue Meeting Date

File Number

Zigmas J. And Ona E. Bucevicius 224 1-19-93 NC

DEPRM RP STP TE

Ronald D. And Norma J. Jewell 225 NC

DEPRM RP STP TE

Steven P. and Deborah J. Benson 226 NC

DEPRM RP STP TE

Deereco Limited Partnership 227 NC

DEPRM RP STP TE

James R. and Cecile Myrick 228 NC

DEPRM RP STP TE

Goucher Woods Development, Inc. 229 NC

DEPRM RP STP TE

Connelly Funeral Home 230 comment

DEPRM RP STP TE

Orville M. Jones 231 NC

DEPRM RP STP TE

Louis A. Slavotinek 232 NC

DEPRM RP STP TE

Jack J. Basel 234 NC

DEPRM RP STP TE

COUNT 10

G & R No. 3, Inc. 233 1-25-93

DEPRM RP STP TE

Congregation Darchei Tzedek, Inc. 235 comment

DEPRM RP STP TE

COUNT 10

G & R No. 3, Inc. 233 1-25-93

DEPRM RP STP TE

Congregation Darchei Tzedek, Inc. 235

DEPRM RP STP TE

COUNT 10

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DEPRM RP STP TE

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Congregation Darchei Tzedek, Inc. 235

DEPRM RP STP TE

COUNT 10

G & R No. 3, Inc. 233 1-25-93

DEPRM RP STP TE

Congregation Darchei Tzedek, Inc. 235

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature [Signature] Date 2-1-93

01/27/93

Project Name Waiver Number Zoning Issue Meeting Date

File Number

Joseph K. And Alva A. Pokorny 216 1-04-93

DEPRM RP STP

WORTHINGTON PLACE L.P. 219 1-11-93

DEPRM RP STP

John F. Moore 223 1-11-93

DEPRM RP STP

COUNT 1

Zigmas J. And Ona E. Bucevicius 224 1-19-93

DEPRM RP STP TE

Ronald D. And Norma J. Jewell 225 1-19-93

DEPRM RP STP TE

Steven P. and Deborah J. Benson 226 1-19-93

DEPRM RP STP TE

Deereco Limited Partnership 227 1-19-93

DEPRM RP STP TE

James R. and Cecile Myrick 228 1-19-93

DEPRM RP STP TE

Goucher Woods Development, Inc. 229 1-19-93

DEPRM RP STP TE

Connelly Funeral Home 230 1-19-93

DEPRM RP STP TE

Orville M. Jones 231 1-19-93

DEPRM RP STP TE

COUNT 2

Zigmas J. And Ona E. Bucevicius 224 1-19-93

DEPRM RP STP TE

Ronald D. And Norma J. Jewell 225 1-19-93

DEPRM RP STP TE

Steven P. and Deborah J. Benson 226 1-19-93

DEPRM RP STP TE

Deereco Limited Partnership 227 1-19-93

DEPRM RP STP TE

James R. and Cecile Myrick 228 1-19-93

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DEPRM RP STP TE

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DEPRM RP STP TE

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DEPRM RP STP TE

COUNT 2

Zigmas J. And Ona E. Bucevicius 224 1-19-93

DEPRM RP STP TE

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DEPRM RP STP TE

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DEPRM RP STP TE

Connelly Funeral Home 230 1-19-93

DEPRM RP STP TE

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DEPRM RP STP TE

COUNT 2

Zigmas J. And Ona E. Bucevicius 224 1-19-93

DEPRM RP STP TE

Ronald D. And Norma J. Jewell 225 1-19-93

DEPRM RP STP TE

Steven P. and Deborah J. Benson 226 1-19-93

DEPRM RP STP TE

Deereco Limited Partnership 227 1-19-93

DEPRM RP STP TE

James R. and Cecile Myrick 228 1-19-93

DEPRM RP STP TE

Goucher Woods Development, Inc. 229 1-19-93

DEPRM RP STP TE

Connelly Funeral Home 230 1-19-93

DEPRM RP STP TE

Orville M. Jones 231 1-19-93

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COUNT 2

Zigmas J. And Ona E. Bucevicius 224 1-19-93

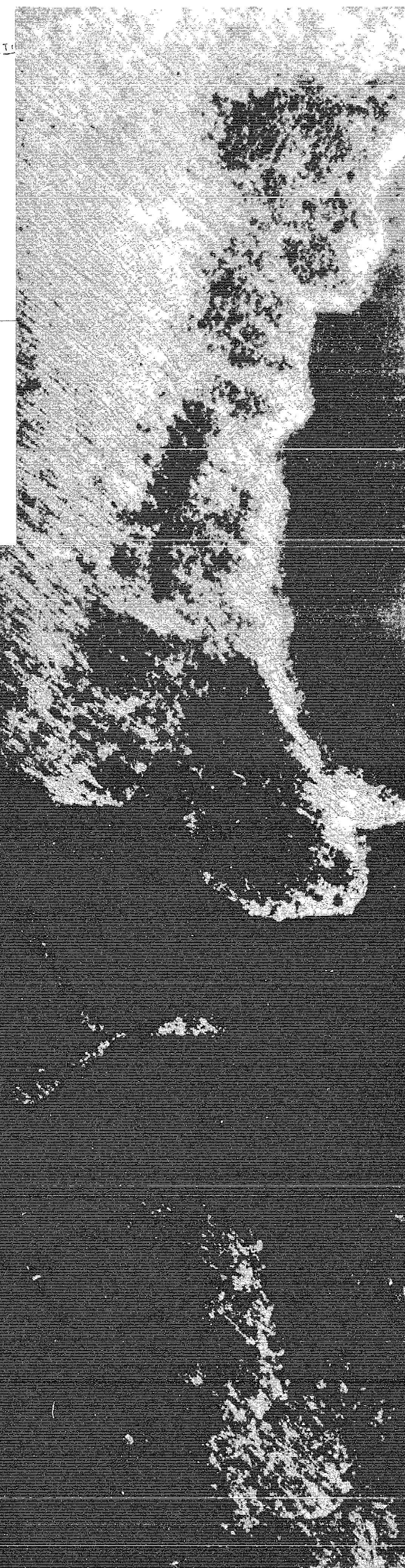
DEPRM RP STP TE

Ronald D. And Norma J. Jewell 225 1-19-93

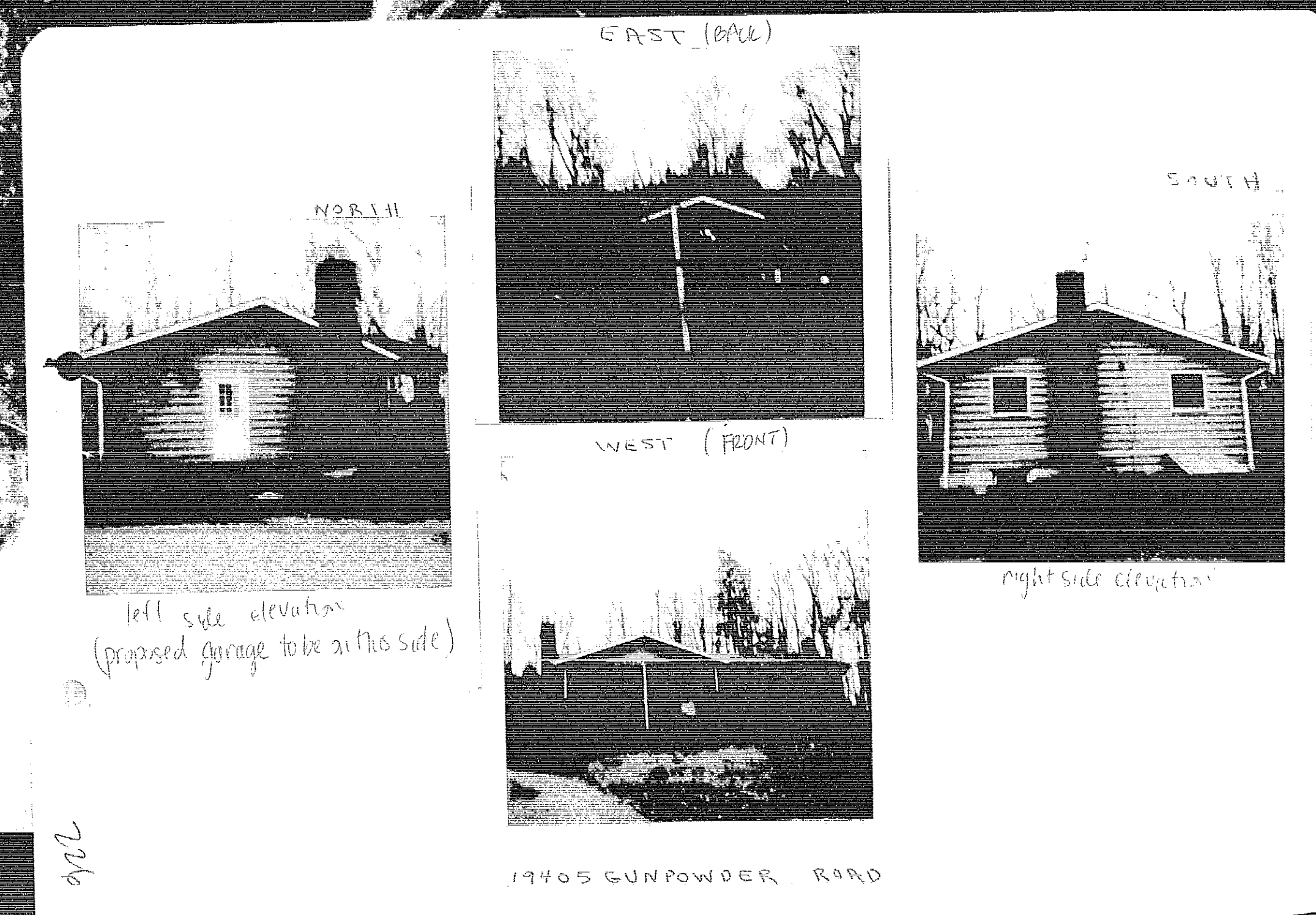
DEPRM RP STP TE

Steven P. and Deborah J. Benson 226 1-19-93

DEPRM RP STP TE



93-218-A



DUNTY AND ZONING C MAP

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY JANUARY 1966	NORTH OF BECKLEYSVILLE	NW 33-H